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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. C2001-1/1

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on Sunday and
Holiday Collections

Docket No. C2001-1

PRESIDING OFFICER'S RULING ON
SCHEDULING OF PROCEEDINGS

(Issued May 18, 2001)

Order No. 1307 initiates a proceeding to hear the Douglas F. Carlson Complaint on Sunday and Holiday Collections, filed October 27, 2000 (Complaint), and limits the scope of the Complaint to holiday and certain holiday eve service issues.¹ The Order directs the Complainant to inform the Commission of the time required to develop his case as follows:

First, the Complainant shall inform the Commission if he is going to modify his Complaint, as stated above, and if so, the date when this filing will be made. Second, the Complainant shall state the number of days requested for discovery. Third, the Complainant shall indicate the nature of the presentation he expects to make in support of this Complaint.

Order No. 1307 at 17-18.

Carlson filed a response to Order No. 1307 on March 29, 2001.² The Response apprises the Commission of his intent to amend the Complaint. The associated motion

¹ PRC Order No. 1307, Order Partially Denying Motion of United States Postal Service to Dismiss Complaint and Notice of Formal Proceedings, issued March 20, 2001. Reaffirmed in PRC Order No. 1312, Order Denying United States Postal Service Motion for Reconsideration of Order No. 1307, issued May 7, 2001.

² Douglas F. Carlson Response to Order No. 1307, filed March 29, 2001 (Response).

and amendments have been received, and the motion to amend was granted in Order No. 1312.

In his Response, Carlson requests 35 calendar days for discovery with the possibility of follow-up discovery beyond that period. He also indicates that the Postal Service may need longer than 14 days to respond to some of the discovery requests. The request for five weeks allocated to discovery is granted, with a June 22, 2001 deadline for filing initial discovery requests. Participants shall have 14 calendar days in which to respond to each request. If additional time is necessary to respond, a request for extension of time may be made by motion on an individual basis. Follow-up discovery shall be consistent with Rule 26(a).

Carlson requests the opportunity to file additional discovery requests after review of the initial discovery responses that technically may not constitute follow-up discovery. In light of the relatively extensive background material provided in the initial pleadings, the areas ripe for discovery should be known and it should not be necessary to file additional discovery requests beyond the initial discovery request deadline. Therefore, assuming timely responses are provided to the initial discovery, additional discovery beyond June 22, 2001 shall only be allowed by motion and with a showing of good cause.

Carlson asserts that he is not able to commit to specifying the nature of his presentation until after he reviews the responses to his discovery requests. He requests that a ruling be issued approximately three weeks after the deadline for filing initial discovery that again requests information of the nature of his presentation. A date of July 20, 2001 shall be set for the Complainant to indicate the nature of his presentation in support of his Complaint. This date allows five weeks for discovery, four weeks to review responses, and sufficient time for receipt of the majority of follow-up discovery. Further delay in setting this date will unnecessarily extend the length of this proceeding. The filing shall include suggestions outlining the procedural steps necessary to bring this Complaint to a conclusion. Other Participants may respond to

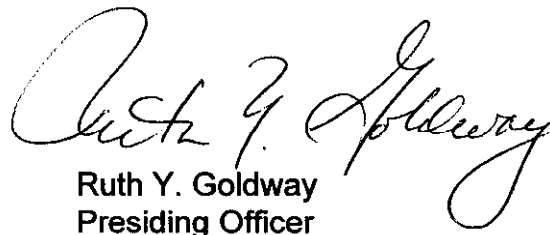
Carlson's filing, indicate the nature of their presentations, and suggest a procedural outline by July 27, 2001.

Carlson requests an additional month to prepare either testimony or a brief. Four weeks appear reasonable for Carlson to prepare and file his case-in-chief. This is eight weeks from the close of initial discovery. Thus, the Complainant shall file his case-in-chief by August 17, 2001. If the case-in-chief is to include testimony, dates that the applicable witness(es) will be available for examination at a hearing shall be provided. If the case-in-chief consists only of material obtained through discovery, copies of this material shall be submitted at this time. A future ruling will be necessary to address briefs, reply briefs, or other procedural issues identified by the "nature of the presentation" filings.

RULING

The following dates shall be observed in this proceeding:

- Initial discovery period concludes (14 day response period) June 22, 2001
- Complainant's filing of nature of presentation and suggested procedural steps July 20, 2001
- Other Participants' filing of response July 27, 2001
- Complainant's filing of case-in-chief August 17, 2001


Ruth Y. Goldway
Presiding Officer